

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: ONLINE DVD RENTAL  
ANTITRUST LITIGATION

No. M 09-2029 PJH

**ORDER DENYING DEFENDANTS'  
ADMINISTRATIVE MOTION**

This Document Relates to:

ALL ACTIONS

Before the court is defendants' administrative motion for entry of an order modifying the case schedule in order to coordinate the hearings on motions for class certification in the Netflix and Blockbuster cases, and additionally requesting an evidentiary hearing on class certification issues pertaining to both putative classes. Having reviewed the defendants' papers, and plaintiffs' opposition thereto, the court hereby DENIES defendants' motion, for the following reasons:

With respect to defendants' request to coordinate class certification hearings, the court agrees with plaintiffs that deferring the Netflix motion pending resolution of pertinent discovery issues and the setting of a feasible certification schedule in the Blockbuster cases, would result in an unfair delay to the Netflix plaintiffs. In addition, holding both hearings simultaneously is likely to unnecessarily complicate, rather than streamline, the issues for the court's consideration. Furthermore, precisely because of any overlap between the two motions that defendants highlight, class certification in the Blockbuster cases is likely to be less complicated than class certification in the Netflix cases, since any overlapping issues are likely to have been resolved in the Netflix cases. Thus, individual resolution of each class certification motion is preferable to the court.

1 Having so determined, a class certification schedule in the Blockbuster cases  
2 remains to be set. To that end, the parties are further ORDERED to meet and confer  
3 following the filing of this order, and to submit a proposed stipulated briefing schedule with  
4 respect to class certification in the Blockbuster cases no later than August 31, 2010. If the  
5 parties are unable to agree on a proposed briefing schedule, they may contact the  
6 undersigned's courtroom deputy and request a further case management conference.

7 Finally, with respect to defendants' independent request for an evidentiary hearing  
8 to be held in connection with class certification issues, the court does not find such a  
9 hearing to be either necessary or helpful at this time. If, after the court has fully considered  
10 the parties' papers and heard argument on the motions, it becomes clear that an  
11 evidentiary hearing is warranted, the court may reconsider its denial of defendants' request  
12 at that time.

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14 **IT IS SO ORDERED.**

15 Dated: August 3, 2010



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17 PHYLLIS J. HAMILTON  
18 United States District Judge  
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